

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

(ECF)

- - - - - :  
BLOHM + VOSS GmbH, FORTIS BANK : 05 Civ. 7753 (BSJ) (JCF)  
(Nederland) N.V. and KREDITANSTALT :  
FÜR WIEDERAUFBAU,

REPORT AND  
RECOMMENDATION

Plaintiffs, :

:  
- against - :

THE M/V OLYMPIA EXPLORER, et al., :

Defendants. :

- - - - - :  
TO THE HONORABLE BARBARA S. JONES, U.S.D.J.:

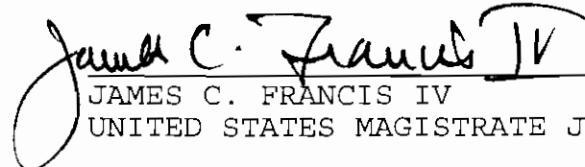
This case concerns the assertion of maritime liens with respect to the vessel M/V Olympia Explorer, which was previously owned by Royal World Cruises, Inc. ("RWC"). When RWC defaulted on the vessel's ship mortgage, the Olympia Explorer was sold, and the proceeds of the sale became the subject of disputes among the mortgagee and other creditors who moved to intervene as plaintiffs. The case, originally filed in the Central District of California, was transferred to this Court in September 2005.

On December 5, 2005, I held a pretrial conference. A number of plaintiff-intervenors failed to appear at that time. At least some of them, apparently, had settled their claims but had never formally withdrawn from the action. Accordingly, I issued an Order dated December 5, 2005, setting a further pretrial conference for January 30, 2006, and warning that any party that failed to appear by counsel at that time would have its complaint dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The conference proceeded as scheduled and the following

plaintiff-intervenors failed to appear: Chemoil Monde-Export SAM; Greek Sailors Pension Fund (NAT); Inchcape Shipping Services Chile; Gateway Transit Limited; and SSA Pacific Inc. I therefore recommend that the complaints of these parties be dismissed under Rule 41(b) for failure to prosecute. Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Barbara S. Jones, Room 2103, 40 Foley Square, New York, New York 10007 and to the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007.

Respectfully submitted,



JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
January 30, 2006

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